

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT, EASTERN DIVISION  
AT: MONTGOMERY, ALABAMA**

RECEIVED  
2007 MAY -9 A 10:00  
DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**GENE COGGINS**  
Plaintiff

V:

CIVIL ACTION NO. 3:07cv405-MHT

STATE OF ALABAMA  
ALABAMA DEPT. OF REVENUE  
CHAMBERS COUNTY

Defendants

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**THIS COMPLAINT FILED AGAINST ALL LISTED  
DEFENDANTS, ABOVE THAT ARE INVOLVED  
IN DESTROYING MY CONSTITUTIONAL  
RIGHTS, AS AN AMERICAN CITIZEN**

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COMES NOW, THE PLAINTIFF, GENE COGGINS IN THE ABOVE STYLED  
ACTION, AGAINST ALL DEFENDANTS INVOLVED, WITH PROPER;

1. AUTHORITY,
2. SERVICE
3. WRIT OF CERTIORARI,
4. JURISDICTION,
5. COST OF ACTION
- 6.. CAUSE OF ACTION,
7. EVIDENCE OR FACTS
8. JUDGMENT,
9. CONCLUSION
10. AFFIDAVIT

11. MOTION TO APPEAR IN FORMA PAUPERIS
12. MOTION TO USE THE APPENDIX SYSTEM
13. MOTION TO SHOW CAUSE
14. SUMMONS TO PRODUCE RECORDS
15. SUMMONS FOR DEFENDANTS

01.

**1. AUTHORITY:**

I HAVE CHOSEN TO MANAGE MY OWN CASE AS GIVEN TO EVERY CITIZEN IN THE UNITED STATES, THAT EVERYONE HAS THE GUARANTEED CONSTITUTIONAL RIGHT TO REPRESENT THEM SELF IN ANY CASE AND IN ANY COURT IN THIS LAND. Code 1852, s/s 737, Code 1867, s/s 871, Code 1876, s/s 790, Code 1886, s/s 863, Code 1896, s/s 589, Code 1907, s/s 2981, Code 1923, s/s 6246, Code 1940, t. 46, s/s 41..

**A STATE CANNOT EXCLUDE A PERSON FROM THE PRACTICE OF LAW OR FROM ANY OTHER OCCUPATION IN A MATTER OR FOR REASONS THAT CONTRAVENE THE DUE PROCESS OF OR EQUAL PORTECTION CLAUSE OF THE FOURTEENTH AMENDMENT.** 535 U.S. AT 238-239, 77 S. CT. AT 756.

THE PRINCIPAL AUTHORITY AS A REASONABLY PRUDENT MAN USING DILIGENCE AND DISCRETION PRINCIPALS USUALLY INCLUDES WHATEVER IS NECESSARY IN CARRYING OUT AND PROTECTING THE DUE PROCESS OF LAW AS FOUND IN THE 5<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, AGAIN IN THE 14<sup>th</sup> AMENDMENT WHICH PROTECTS A PERSON FROM STATE ACTIONS WHERE THE PERSON IS GUARANTEED FAIR PROCEDURES AND SUBSTANTIVE UNDER SAFEGUARD FOR THE PROTECTION OF INDIVIDUALS RIGHTS, AS ESTABLISHED IN OUR SYSTEM OF JURISPRUDENCE FOR THE ENFORCEMENT AND PROTECTION OF PRIVATE RIGHTS.

**SERVICE:**

THE EXHIBITION OR DELIVERY OF A SUMMONS, WRIT, COMPLAINT, NOTICE OR ORDER BY AN AUTHORIZED PERSON, TO A PERSON WHO IS HEREBY NOTIFIED WITH A REASONABLE NOTICE TO DEFENDANT OF PROCEEDINGS TO APPEAR AND BE HEARD, BY EITHER ACTUAL PERSONAL DELIVERY, BY MAIL OR CAUSING TO BE PUBLISHED IN THE NEWSPAPER, THAT HE MUST TAKE ACTION OR TO FORBEAR. IN DEFAULT AND DEFAULT JUDGMENT. Fed. R. Civil. P. 4, 5, Fed. R. Crim. P. 4, 49..Chemical Specialties Sales Corp. Industrial Div. V: Basic Inc. D.C. Conn. 296 F. Supp. 1106, 1107, Fed. R. Civil P. 4(e)..Must comply to the Fair Labor Standards Act..

A CIVIL SUMMONS IS ENCLOSED FOR EVERY DEFENDANT LISTED IN THIS COMPLAINT, WITH NO EXCEPTIONS, BY WAIVER, OR REMOVAL BY ANY ONE OTHER THAN THE PLAINTIFF. THE CLERK IS REQUIRED TO HAVE A COPY OF THE SUMMONS AND COMPLAINT, HAND DELIVERED TO THE LAST KNOWN ADDRESS OF THE ABOVE DEFENDANTS, BY ANY U. S. MARSHALL, WITH A COPY OF DATE DELIVERED, BY WHOM, RETURNED TO PLAINTIFF AND THE ORIGINAL TO THE CLERKS OFFICE. ANY VARIATIONS OF THIS REQUEST WILL BRING FRAUD AND NEGLIGENCE CHARGES AGAINST THE CLERKS OFFICE.. ALL SERVICES WILL BE MADE ACCORDING TO THE ABOVE FEDERAL RULES OF CIVIL P., ,. . THEREFORE SERVICE CANNOT BE USED AS A MEANS OF DISMISSAL..

**WRIT OF CERTIORARI:**

A PRECEPT IN WRITING USUALLY IN THE FORM OF A LETTER THAT REQUIRES A DESIRE TO COMMAND, EITHER AS THE COMMENCEMENT OF A LAW SUIT OR OTHER PROCEEDINGS, REQUIRING THE PERFORMANCE OF A SPECIFIED

ACT, GIVING AUTHORITY TO HAVE IT DONE EITHER AS THE COMMENCE OF A SUIT, OR OTHER REQUIRED ACTS. THE WORD WRIT HAS MANY VARIOUS NAMES AND DESCRIPTIONS, ONE REFERS TO A FEDERAL ACT WHICH PERMITS FEDERAL APPELLATE COURTS TO ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AID OF OR TO THEIR RESPECTIVE JURISDICTION AND AGREEABLE TO THE USAGE AND PRINCIPLES OF LAW. 28 U. S. C. A. s/s1651.. THE WRIT OF CERTIORARI AS GIVEN IN THE NON-CRIMINAL ACT , 11Cir. R. ADDENDUM FIVE..

#### **JURISDICTION:**

WHERE THERE IS A CONSTITUTION RIGHT OR QUESTION INVOLVED IN A CASE, THEN THIS AUTOMATIC BECOMES AS ISSUE THAT MUST BE SETTLED IN FEDERAL COURT, WHERE EVER JURISDICTIONS REQUIREMENTS ARE MET. THE LEGAL RIGHT EXIST WHEN THE COURT HAS COGNIZANCE OF CLASS OF CASES, INVOLVING PROPER PARTIES ARE PRESENT AND POINT TO BE DECIDED IS WITHIN THE POWER OF THE COURT. United Cemeteries Co. V: Strother, 342 Mo. 1155, 119, S. W. 2d, 762, 765.. Harder V: Johnson, 147 Kan. 440, 76 P. 2d, 763, 764.. JURISDICTION AMOUNT INVOLVED IN THIS PARTICULAR CASE; Shabotzby V: Mas. Mut. Ins. Co. D. C. N. Y. 21 F. Supp. 166, 167. VALUE OF THE OBJECT SOUGHT TO BE ATTAINED IN THIS CASE, Mountain State Power Co. V: City of Forsyth, D. C. Mont. 41 Supp. 389, 390. Ronzio V: Denver & R. G. W. R. Co. C. C.A. Utah 116 F. 2d, 604, 606.. AS LIMITED TO THE TOTAL MONETARY VALUE OF SUCH ACTION,. Fed. R. 28, U. S. C. A. s/s s/s 1331, 1332... THE LEGAL POWERS OF THIS COURT TO RENDER A JUST DECISION AND PERSONAL JUDGMENT AGAINST THE DEFENDANTS , IN THIS ACTION OR

PROCEEDINGS ARE FOUND IN; Imperial V: Hardy La. 302, So. 2d, 05, 07.. THE SCOPE AND EXTENT OF JURISDICTION FOR FEDERAL COURTS IS GOVERNED BY, 28 U. S. C. A. s/s 1251, et seq. WHERE JURISDICTION IS THE POWER INTRODUCED FOR THE PUBLIC GOOD, OR FOR THE ACCOUNT OF DISPENSING FAIR JUSTICE TO ALL CITIZENS JURISDICTION IS NOT LIMITED TO SUBJECT MATTER, OR AMOUNT SOUGHT IN THE LITIGATION, BUT FACTS MUST EXIST FOR THE FEDERAL COURT TO HAVE PROPER JURISDICTION ON ANY PARTICULAR CASE;

1. IS THAT THE DEFENDANT HAS BEEN PROPERLY SERVED WITH ON GOING PROCESS,
  2. THAT THE CONTROVERSY EXCEEDS A CERTAIN SUM,
  3. THAT THE PARTIES ARE CITIZENS OF THE UNITED STATES.. Nobel V: Union River Logging Railroad Co. 147 U. S. 165, 13, S. Ct. 271, 37, L. Ed. 123.. ALL OF THE ABOVE QUALIFICATIONS FOR PROPER JURISDICTION WERE MET,
- ACCORDING TO THE ABOVE EXAMPLES, THEREFORE AN ERROR WAS MADE BY THE COURT, ANOTHER BY PRE-JUDGING THIS CASE BEFORE LOOKING AT ALL OF THE EVIDENCE INVOLVED, NOT REQUIRING THE CLERKS INVOLVED TO PRODUCE THE PAPERWORK INVOLVED IN THIS CASE..

**COST OF ACTION;**

THE LEGAL TERM FOR COST OF ACTION IS COVERED UNDER MY GUARANTEED RIGHT BY THE CONSTITUTION OF THE UNITED STATES, TO EVERY CITIZEN HAS THE RIGHT TO APPEAR IN FORMA PAUPERIS AS FOUND IN FED. R. APP. P. 39, WITH NO FEES, COST, OR GIVEN SECURITY IN ANY FORM,

**THEREFORE ADDED ON. FED. R. 28 - 38, U. S. C. MAY V; WILLIAMS 17 AL. 23 (1849).. THIS DECISION CANNOT BE MADE BY ANY JUDGE OR CLERK FOR THIS IS A GIVEN LAW, GOVERN THIS ACTION....**

**CAUSE OF ACTION:**

**THIS BEGIN WHEN WE HAD A TAX AUDIT HEARING, BEFORE A JUDGE IN MONTGOMERY, ALABAMA. MY WIFE AND I HAD A LAWYER THAT WAS TIED UP ON ANOTHER CASE AT THAT TIME AND COULD NOT GO WITH US. WE WENT TO THE HEARING AND APPEALED THIS TO THE CIRCUIT COURT IN CHAMBERS COUNTY. THIS WAS ALSO DENIED AGAIN DENYING MY GUARANTEED RIGHT TO APPEAL ANY AND ALL DECISIONS MADE IN A LOWER COURT.. FED.. R. CIVIL P. 56.. MY RIGHT TO APPEAL TO A JURY TRIAL WAS ALSO DENIED, DENYING MY GUARANTEED CONSTITUTIONAL RIGHT FOR A SPEEDY TRIAL, AS GIVEN IN THE FEDERAL ACT OF 1974, SET OUT AND ESTABLISHED TIME LIMITS ON ANY EVENTS THAT ARE CARRIED OUT IN THE JUDICIAL SYSTEM AS SO PLACED ON THE SHORT TERM CALENDER SO AS TO ASSURE A SPEEDY TRIAL. THE 7<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION REQUIRES A TRIAL BY AN IMPARTIAL JURY, EITHER CIVIL OR CRIMINAL ON ALL ISSUES BETWEEN THE PARTIES, WHETHER THEY BE ISSUES OF LAW OR FACTS WITH NO RESTRAINTS OR ILLEGAL COST ADDED ON, BEFORE A COURT THAT HAS PROPER JURISDICTION.. Fed. R. Civil P. 38(a), 48, Crim. P. 23, 33, Fed. R. Civil P. 59**

**LOOK AT THE COPIES OF THIS ILLEGAL ORDER TO SHOW CAUSE DATED NOVEMBER 08, 2005, AND AGAIN IN NOVEMBER 17, 2006 WHERE I BECAME THE**

PLAINTIFF AND THE ALABAMA DEPARTMENT OF REVENUE WAS THE DEFENDANT, AGAIN AT THE CIVIL SUMMONS, CASE CV - 05 - 077, WHERE THE STATE OF ALABAMA DEPARTMENT OF REVENUE WAS LISTED AS THE PLAINTIFF. THEN I WAS ILLEGALLY BROUGHT BEFORE THEIR PREPLANNED KANGAROO COURT, WITHOUT ANY FORM OF WARRANT OR INCITEMENT BY A GRAND JURY. THIS CREATED ANOTHER ILLEGAL ACT BY THE DEFENDANTS.. THIS HAS BECOME A REGULAR THING WITH THE ABOVE DEFENDANTS. THEY DON'T BELIEVE IN GUARANTEED CONSTITUTIONAL, OR ANY FEDERAL LAW THAT MIGHT APPLY TO THEM THEY HAVE THE ATTITUDE PROBLEM THAT THEY CAN DO NO WRONG, AND THEY HAVE THE RIGHT TO DECIDE WHAT CONSTITUTIONAL OR FEDERAL LAWS APPLY TO WHOM THEY CHOOSE..

**EVIDENCE OR FACTS:**

ALL EVIDENCE CAN BE FOUND IN THE PAPER WORK FILED IN COURT AGAINST ME, STARTING WITH CASE NO. CV - 05 - 077, FOLLOWING WITH THE APPEALS TO UNITED STATES DISTRICT COURT. I THEREFORE REQUIRE A SUMMONS TO ALL CLERKS INVOLVED FROM THE BEGINNING OF THIS CASE UNTIL FINAL TO PRODUCE A COPY OF ALL RECORDS INVOLVED, TO THE COURT, ME, AND EVERY DEFENDANT..

**JUDGMENT:**

A JUDGMENT OF ONE MILLION DOLLARS TO BE PLACED AGAINST EVERY DEFENDANT. IF ANY APPEALS ARE REQUIRED THE TOTAL JUDGMENT IS TO TRIPLE, IF DEFAULT JUDGMENT IS REQUIRED AN ADDITIONAL COST OF \$100,000. 00 PER DAY IS REQUIRED AGAINST ALL DEFENDANTS, AND IF NOT PROPERLY



SERVED, WITHIN A TEN DAY NOTICE THE CLERK OF THE COURT WILL BE CHARGED WITH A FINE OF \$100,000.00... IF PROPER SERVICE IS NOT MADE ACCORDING TO GIVEN INSTRUCTIONS, THE SAME COST WILL APPLY TO THE CLERK. WHEN A MOTION FOR DEFAULT AND DEFAULT JUDGMENT WAS FILED AFTER ALL DEFENDANTS ARE PROPERLY SERVED AND FAIL TO PLEAD (i.e. answer), OR OTHERWISE DEFEND, HE IS IN DEFAULT AND DEFAULT JUDGMENT MUST BE ENTERED AGAINST HIM BY THE CLERK OF THE COURT. Fed. Rule 55. ALL OF THIS WAS DENIED IN THE ABOVE DESCRIBED CASE AND NEVER ACTED UPON BY THE CLERK. THIS IS A GIVEN LAW NOT TO BE DENIED BY ANY COURT. THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY CARRIED OUT BY THE OFFICE OF THE CLERK *Greco V: S. S. Kresge Co.* 277, N. Y. 26, 12 N. E. 2d, 557, 562... *Hilkert V: Canning* 58, Ariz. 290, 119 P.2d, 233, 236.. THE CLERKS ONLY ROLL IN A CASE IS TO FILE AND KEEP THE PATERWORK FOR THE COURT AS EVERY CASE REQUIRES


WHEN THE ABOVE REQUIREMENTS ARE NOT MET WITHIN A 30 DAY TIME LIMIT, ALL PARTIES ARE REQUIRED TO BE FINED AN ADDITIONAL \$100,0000.00. PER DAY FOR EVER DELAY FOUND BY THE PLAINTIFF IN REGARDS OF DELAYING THIS FINAL SETTLEMENT OF THIS CASE, OR ANY APPEAL THAT COMES FROM NON - ACTION BY THIS COURT REQUIRES AN ADDITIONAL FINE, THREE TIMES THE TOTAL JUDGMENT REQUESTED.

#### **CONCLUSION:**

LOOKING AT THE LAST CASE I APPEALED TO THE UNITED STATES DISTRICT



COURT, EVERY ILLEGAL EXCUSE WAS USED TO AVOID THE SETTLEMENT OF THIS CASE. THIS MUST BE HEARD BY AN IMPARTIAL FEDERAL JUDGE THAT IS NOT IN BEDDED, INFLUENCED BY THE ALABAMA BAR ASSOCIATION, CORRUPT LAWYERS FROM THE ATTORNEY GENERALS OFFICE, NO MAGISTRATE JUDGE CAN BE INVOLVED BY LAW, THEY CAN BE APPOINTED ONLY IN MINOR OFFENSES BY THE FEDERAL DISTRICT JUDGE, AND THIS CONSTITUTIONAL RIGHT VIOLATION IS NOT A MINOR OFFENSE. IF THE FEDERAL DISTRICT JUDGE FEELS LIKE HE CANNOT ISSUE A FAIR AND JUST DECISION BASED UPON THE EVIDENCE PRESENTED, THEN HE MUST RETIRE FROM THIS CASE AND LET AT LEAST THREE JUDGES DETERMINE THE SETTLEMENT, NEEDED TO FINALIZE THIS CASE. ..

  
GENE COGGINS Pro<sup>8</sup> st.  
1436 COUNTY RD. #299  
LANETT, AL 36863  
(334) 576 - 3263 .

cc:  
UNITED STATES  
DISTRICT ATTORNEY  
WASHINGTON, D. C.